

ASSEMBLY BILL

No. 664

Introduced by Assembly Member Skinner

February 25, 2009

An act to add Section 3212.13 to the Labor Code, relating to workers' compensation.

LEGISLATIVE COUNSEL'S DIGEST

AB 664, as introduced, Skinner. Workers' compensation: hospital employees: presumption.

Existing law provides that an injury of an employee arising out of and in the course of employment is generally compensable through the workers' compensation system. Existing law provides that, in the case of certain public employees, the term "injury" includes heart trouble, hernia, pneumonia, human immunodeficiency virus, lower back impairment, and other injuries and diseases.

This bill would provide, with respect to hospital employees, that the term "injury" includes a blood-borne infectious disease, neck or back impairment, or methicillin-resistant *Staphylococcus aureus* that develops or manifests itself during the period of the person's employment with the hospital.

This bill would further create a rebuttable presumption that the above injury arises out of and in the course of the person's employment if it develops or manifests during the period of the employment.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 3212.13 is added to the Labor Code, to
2 read:
3 3212.13. (a) In the case of a hospital employee, the term
4 “injury,” as used in this section, includes a blood-borne infectious
5 disease, neck or back impairment, or methicillin-resistant
6 *Staphylococcus aureus* (MRSA) that develops or manifests itself
7 during a period of the person’s employment with the hospital. The
8 compensation awarded for that injury shall include full hospital,
9 surgical, medical treatment, disability indemnity, and death
10 benefits, as provided by this division.
11 (b) The blood-borne infectious disease, neck or back impairment,
12 or MRSA so developing or manifesting itself shall be presumed
13 to arise out of and in the course of employment. This presumption
14 is disputable and may be controverted by other evidence, but unless
15 so controverted, the appeals board shall so find. This presumption
16 shall be extended to a hospital employee following termination of
17 service for a period of three calendar months for each full year of
18 the requisite service, but not to exceed 60 months in any
19 circumstance, commencing with the last date actually worked.
20 (c) A blood-borne infectious disease so developing or
21 manifesting itself in these cases shall not be attributed to any
22 disease existing prior to that development or manifestation.

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